

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

<p><u>In re Terrorist Attacks on September 11, 2001</u></p> <p>CARON J ADDESSO; JORGE ALBAN AND NICOLE AMEROVSKY; SANDY ALBERTO; RAUL ALCIVAR; CANDIDA ALMONTE; DORIA S ALVAREZ; JUAN ALVAREZ AND MARICEL ALVAREZ; MARIA E ALVAREZ; JOSE ALVARRACIN; ROSA BEATRIZ ANGAMARCA; ROSSINA ANGULO; JAMES APPIO AND LISA APPIO; MICHAEL ARENDT; BETSY ARRUDA-LOOR; KLEBER ARTEAGA; JOSEPH ASCIOLLA; DERLIM AVILA AND RAUL BARRETO; EDWARD V. BARLOTTA; RAUL BARRETO AND DERLIM BARRETO; SUSAN BENTLEY; ROBERT BORTELL; MARY BOUDREAU-PERDOMO AND RICHARD PERDOMO; JORGE BRAVO; VINCENT BRIGANTI; CHRISTOPHER BROWN; GERMAN ERNESTO BUNAY; CHARLES BURRESS AND STACEY BURRESS; ANA CAMARENO; RODRIGO CAMPOZANO; CONSUELO CAMPUZANO; ALFRED CANONICO; CATTERINE CARDONA; LINDA CARRILLO; SALVATORE CASSANITI; CHARLES CATANESE; THOMAS CAWLEY AND MARYANN ROSE CAWLEY; ADOLF CEBULA AND CEBULA; JUSTINA CLARET; MICHAEL COLANTUONO; BENJAMIN COLECCHIA; JACQUELINE COLON; ROSABEL COLON AND LOUIS RUSSO; LOUIS S CONZO; DANIEL CORCHADO; MARTIN COYNE AND MARGARET COYNE; DEBRA CREDENDINO; WILLIAM M CROWLEY; JULIO CRUZ; DEAN CURTI; MIECZYSLAW DABROWSKI; MAURICE DAVIS; WAYNE DAWKINS; MICHAEL DECKER; JAMES DEMATTEO AND JOANNE DEMATTEO; WIESLAW DEMKO; CLARK DENIS; RUTH DIAZ; CASTRENZE DICARLO AND LILLIAN DICARLO; THOMAS DICOSTANZA; PANCRI DIEZ;</p>	<p>As relates to: 03 MDL 1570 (GBD)(SN)</p> <p>Civil Docket Number: 16-CV-09937</p> <p><u>SHORT FORM COMPLAINT AND DEMAND FOR TRIAL BY JURY</u></p> <p>ECF CASE</p>
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ROSA DIEZ; FRANK DILEO; MICHAEL DIVIRGILIO AND JACLYN DIVIRGILIO; MICHAEL DOLAN; FRANCISCO DOMINGUEZ; NICK DOUSMANIS AND DENISE DOUSMANIS; THOMAS DOWDLE; ROBERT DOYLE AND JOAN M DOYLE; STANISLAW DROZDZ AND MONIKA DROZDZ; ORAN EBERHART AND JILL A EBERHART; JORGE ENCALADA AND MARICEL ENCALADA; NANCY ESPINOSA-CARDENAS; ANIELLO ESPOSITO AND MARYANN ESPOSITO; GERARD EVANS AND AGUSTINA EVANS; LOUIS FAILLA; CHRISTOPHER FAVALE AND JENNIFER FAVALE; GLADYS FELICIANO; ANTHONY FISCHETTI; PERRY FORGIONE AND DENISE FORGIONE; DZILE FRANGU; MANUEL FREYTES AND NANCY FREYTES; WILSON GALLEGOS; ANDRES O GARCIA; ROBERT GARCIA; ROY GARCIA; PAVLOS GATZONIS; WILLIAM GAVIN AND MARGARIET GAVIN; RICHARD GAZZOLA AND MARYANN C GAZZOLA; EDIR GIRALDO; HITIER E GIRALDO; ABEL GOMES AND MARIA GOMES; MICHAEL J GONA AND LISA GONA; ROBERT GUENDEL; SAMUEL GUIRACOCHA; CARLOS GUZMAN AND GLORIA GUZMAN; HENRY HACHEMEISTER; MICHAEL HARRIGAN; SEAN HART AND MADELINE A HART; ENRIQUE HERMIDA; JORGE HERNANDEZ; AND JOSEPH HERON AND GERALDINE HERON

PLAINTIFFS,

V.

KINGDOM OF SAUDI ARABIA; SAUDI HIGH COMMISSION FOR RELIEF OF BOSNIA & HERZEGOVINA

DEFENDANTS

SHORT FORM COMPLAINT AND DEMAND FOR TRIAL BY JURY

Plaintiff(s) file(s) this *Short Form Complaint and Demand for Trial by Jury* against Defendants named herein by and through the undersigned counsel. Plaintiff(s) incorporate(s) by reference the specific allegations, as indicated below, of Plaintiffs' *Consolidated Amended Complaint* as to the Kingdom of Saudi Arabia ("Kingdom" or "Saudi Arabia") and the Saudi High Commission for Relief of Bosnia & Herzegovina ("the SHC") and *Demand for Jury Trial* in *In Re: Terrorist Attacks on September 11, 2001*, 03 MDL 1570 in the United States District Court for the Southern District of New York (hereinafter "the CAC"). Plaintiff(s) file(s) this *Short Form Complaint and Demand for Jury Trial* as permitted and approved by the Court's Order of May 3, 2017, ECF No. 3543.

(*Notice to Conform, Applicable For Previously Filed Complaints Only*): Plaintiff(s) in the previously filed case styled as CARON J ADDESSO, ET. AL. V. KINGDOM OF SAUDI ARABIA file(s) this *Short Form Complaint* to incorporate Plaintiffs' *Consolidated Amended Complaint* as to the Kingdom of Saudi Arabia ("Kingdom" or "Saudi Arabia") and the Saudi High Commission for Relief of Bosnia & Herzegovina ("the SHC"), and *Demand for Jury Trial* ("the CAC"), ECF No. 3463, as permitted and approved by the Court's Order of May 3, 2017, ECF No. 3543. Upon filing of this *Short Form Complaint*, plaintiffs' underlying Complaint, ECF No. 1, is deemed amended to include the factual allegations, jurisdictional allegations, and jury trial demand of the CAC, as well as all causes of action specified below. The amendment affected through this *Short Form Complaint* supplements by incorporation into, but does not displace, plaintiffs' underlying Complaint. This *Notice to Conform* relates solely to Saudi Arabia and the SHC, and does not apply to any other defendant, as to which plaintiffs' underlying Complaint and any amendments thereto are controlling.

VENUE

1. Venue in this district is proper pursuant to 28 U.S.C. §§ 1391(b)(2) and 1391(f)(1), as a substantial part of the events giving rise to the claims asserted herein occurred in this district. Venue is also proper in this district pursuant to 18 U.S.C. § 2334(a).

JURISDICTION

2. Jurisdiction, is as asserted in the CAC, and further, jurisdiction of the within *Short Form Complaint* is premised upon and applicable to all defendants in this action:

- ☒ 28 U.S. C. § 1605(a)(5) (non-commercial tort exception)
- ☒ 28 U.S. C. § 1605B (Justice against Sponsors of Terrorism Act)
- ☐ Other: (set forth below the basis of any additional ground for jurisdiction and plead such in sufficient detail as per the FRCP):

_____.

CAUSES OF ACTION

3. Plaintiff(s) hereby adopt(s) and incorporate(s) by reference, the CAC as if set forth fully herein.

4. Furthermore, the following claims and allegations are asserted by Plaintiff(s) and are herein adopted by reference from the CAC:

- ☒ Aiding and Abetting and Conspiring with al Qaeda to Commit the September 11th Attacks Upon the United States in Violation of 18 U.S.C. § 2333(d) (JASTA)
- ☒ Aiding and Abetting and Conspiring with al Qaeda to Commit the September 11th Attacks Upon the United States in Violation of 18 U.S.C. § 2333(a)
- ☒ Committing Acts of International Terrorism in Violation of 18 U.S.C. § 2333
- ☒ Wrongful Death, as applicable to a claim for such
- ☒ Survival
- ☒ Alien Tort Claims Act
- ☒ Assault and Battery
- ☒ Conspiracy

- ☒ Aiding and Abetting
- ☒ Intentional Infliction of Emotional Distress
- ☒ Liability Pursuant to Restatement (Second) of Torts § 317 and Restatement (Third) of Agency § 7.05: Supervising Employees and Agents
- ☒ Liability Pursuant to Restatement (Second) of Torts § 317 and Restatement (Third) of Agency § 7.05: Hiring, Selecting, and Retaining Employees and Agents
- ☒ 18 U.S.C. § 1962(a)-(d) – CIVIL RICO
- ☒ Trespass
- ☒ Punitive Damages
- ☐ Plaintiff assert(s) the following additional theories and/or Causes of Action against the Defendants:

IDENTIFICATION OF PLAINTIFFS

5. The following allegations and information contained herein, is alleged as to each individual who is bringing this claim, as indicated on Appendix 1 to this *Short Form Complaint*, and/or as to each decedent who was injured and who is now deceased, whose claim is brought by the Estate representative, and as to the survivors of the Estate, herein referred to as “Plaintiffs.”

- a. The citizenship of said Plaintiff is indicated at Appendix 1 to this Short Form complaint.
- b. Said Plaintiff is entitled to recover damages on the causes of action set forth in this Complaint.
- c. As indicated at Appendix 1, said Plaintiff was injured as a result of the terrorist attacks of September 11, 2001; is the estate representative of someone who was injured as a result of the terrorist attacks of September 11, 2001 and who is now deceased, or is a survivor of someone who was injured as a result of the terrorist

attacks of September 11, 2001 and who is now deceased.

- d. For those plaintiffs with injury claims, as indicated in Appendix 1, on or after September 11, 2001, said Plaintiff was present at the Pentagon and/or the World Trade Center site and/or its surroundings and/or lower Manhattan and/or at an area wherein he/she was exposed to toxins as a result of the terrorist attacks and was exposed to toxins from the attacks, and/or was otherwise injured, and/or as otherwise alleged: _____.
- e. As a direct, proximate and foreseeable result of Defendants' actions or inactions, Plaintiff suffered bodily injury and/or death, and consequently economic and other losses, including but not limited to pain and suffering, emotional distress, psychological injuries, and loss of enjoyment of life, and as otherwise described in the CAC, and/or as otherwise may be specified in subsequent discovery proceedings, and/or as otherwise alleged herein: _____.
- f. The name, relationship to the injured 9/11 victim, residency, nationality, and the general nature of the claim for each plaintiff is listed on the attached Exhibit 1, and is incorporated herein as allegations, with all allegations of the within *Short Form Complaint* deemed alleged as to each plaintiff.

IDENTIFICATION OF THE DEFENDANTS

6. The following entities are Defendants herein:

- ☒ Kingdom of Saudi Arabia
- ☒ Saudi High Commission for Relief of Bosnia & Herzegovina

Plaintiffs' constituent case, if applicable, and this *Short Form Complaint* shall be deemed subject to any motion to dismiss the CAC or Answer to the CAC filed by Saudi Arabia or the SHC. By way of filing this *Short Form Complaint*, plaintiffs shall not be deemed to have adopted any class-action allegations set forth in the CAC or waived any right to object to class certification or

opt out of any certified class. This *Short Form Complaint* also does not serve as a request for exclusion from any class that the Court may certify.

WHEREFORE, Plaintiff(s) pray(s) for relief and judgment against Defendants as set forth in the CAC as appropriate.

JURY DEMAND

Plaintiff(s) hereby demand(s) a trial by jury as to the claims in this action.

Dated: May 16, 2017

Respectfully Submitted,

/s/ Christopher R. LoPalo
Christopher R. LoPalo, Esq. (CL-6466)
Paul J. Napoli, Esq. (PN-8845)
Jaquay Felix (JF-6030)
NAPOLI SHKOLNIK PLLC
400 Broadhollow Road, Suite 305
Melville, NY 1747
Telephone (212) 397-1000
clopalo@napolilaw.com
pnapoli@napolilaw.com
jfelix@napolilaw.com

Counsel for Plaintiff(s)

See Appendix 1 Annexed

APPENDIX 1 TO THE *SHORT FORM COMPLAINT*

(EXEMPLAR-ALL NAMES BELOW ARE FICTITIOUS)

Each line below is deemed an allegation, incorporating the allegations, language and references within the *Short Form Complaint* to which this Appendix is appended, and shall be referenced as Allegation 1 of Appendix 1 to the *Short Form Complaint*, Allegation 2 of Appendix 1 to the *Short Form Complaint*, etc.)

	Plaintiffs Name (alphabetically ordered by last name of Injured 9/11 Victim)	Relationship to Injured 9/11 Victim	State of Residency at filing	Citizenship/ Nationality on 9/11/01	General Nature of Claim Asserted (e.g., personal injury, wrongful death, solatium)
1.	Caron J Addesso	Self	AZ	US	Personal Injury
2.	Jorge Alban and Nicole Amerovsky	Self/Spouse	PA	US	Personal Injury, Loss of Consortium
3.	Sandy Alberto	Self	NJ	US	Personal Injury
4.	Raul Alcivar	Self	NJ	US	Personal Injury
5.	Candida Almonte	Self	NY	US	Personal Injury
6.	Doria S Alvarez	Self	NY	US	Personal Injury
7.	Juan Alvarez and Maricel Alvarez	Self/Spouse	NY	US	Personal Injury, Loss of Consortium
8.	Maria E Alvarez	Self	NY	US	Personal Injury
9.	Jose Alvarracin	Self	NY	US	Personal Injury
10.	Rosa Beatriz Angamarca	Self	NY	US	Personal Injury
11.	Rossina Angulo	Self	NY	US	Personal Injury
12.	James Appio and Lisa Appio	Self/Spouse	NY	US	Personal Injury, Loss of Consortium
13.	Michael Arendt	Self	NY	US	Personal Injury
14.	Betsy Arruda-Loor	Self	NY	US	Personal Injury
15.	Kleber Arteaga	Self	NY	US	Personal Injury
16.	Joseph Asciolla	Self	NY	US	Personal Injury
17.	Derlim Avila and Raul Barreto	Self/Spouse	NY	US	Personal Injury, Loss of Consortium
18.	Edward V. Barlotta	Self	FL	US	Personal Injury
19.	Raul Barreto and Derlim Barreto	Self/Spouse	NY	US	Personal Injury, Loss of Consortium
20.	Susan Bentley	Self	NY	US	Personal Injury
21.	Robert Bortell	Self	NY	US	Personal Injury
22.	Mary Boudreau-Perdomo and Richard Perdomo	Self/Spouse	FL	US	Personal Injury, Loss of Consortium
23.	Jorge Bravo	Self	NY	US	Personal Injury
24.	Vincent Briganti	Self	NJ	US	Personal Injury
25.	Christopher Brown	Self	NY	US	Personal Injury
26.	German Ernesto Bunay	Self	NY	US	Personal Injury
27.	Charles Burress and Stacey Burress	Self/Spouse	NY	US	Personal Injury, Loss of Consortium
28.	Ana Camareno	Self	MA	US	Personal Injury
29.	Rodrigo Campozano	Self	NY	US	Personal Injury

30.	Consuelo Campuzano	Self	NY	US	Personal Injury
31.	Alfred Canonico	Self	NY	US	Personal Injury
32.	Catherine Cardona	Self	NY	US	Personal Injury
33.	Linda Carrillo	Self	NY	US	Personal Injury
34.	Salvatore Cassaniti	Self	NY	US	Personal Injury
35.	Charles Catanese	Self	NY	US	Personal Injury
36.	Thomas Cawley and Maryann Rose Cawley	Self/Spouse	NY	US	Personal Injury, Loss of Consortium
37.	Adolf Cebula and Cebula	Self/Spouse	NY	US	Personal Injury, Loss of Consortium
38.	Justina Claret	Self	NY	US	Personal Injury
39.	Michael Colantuono	Self	NY	US	Personal Injury
40.	Benjamin Colecchia	Self	NY	US	Personal Injury
41.	Jacqueline Colon	Self	NY	US	Personal Injury
42.	Rosabel Colon and Louis Russo	Self/Spouse	NY	US	Personal Injury, Loss of Consortium
43.	Louis S Conzo	Self	NY	US	Personal Injury
44.	Daniel Corchado	Self	NY	US	Personal Injury
45.	Martin Coyne and Margaret Coyne	Self/Spouse	NY	US	Personal Injury, Loss of Consortium
46.	Debra Credendino	Self	NY	US	Personal Injury
47.	William M Crowley	Self	NY	US	Personal Injury
48.	Julio Cruz	Self	NY	US	Personal Injury
49.	Dean Curti	Self	FL	US	Personal Injury
50.	Mieczyslaw Dabrowski	Self	PA	US	Personal Injury
51.	Maurice Davis	Self	PA	US	Personal Injury
52.	Wayne Dawkins	Self	NY	US	Personal Injury
53.	Michael Decker	Self	FL	US	Personal Injury
54.	James DeMatteo and Joanne DeMatteo	Self/Spouse	NY	US	Personal Injury, Loss of Consortium
55.	Wieslaw Demko	Self	NY	US	Personal Injury
56.	Clark Denis	Self	FL	US	Personal Injury
57.	Ruth Diaz	Self	NY	US	Personal Injury
58.	Castrenze DiCarlo and Lillian DiCarlo	Self/Spouse	NY	US	Personal Injury, Loss of Consortium
59.	Thomas Dicostanza	Self	NY	US	Personal Injury
60.	Pancr Diez	Self	NY	US	Personal Injury
61.	Rosa Diez	Self	NY	US	Personal Injury
62.	Frank DiLeo	Self	NY	US	Personal Injury
63.	Michael DiVirgilio and Jaclyn DiVirgilio	Self/Spouse	NY	US	Personal Injury, Loss of Consortium
64.	Michael Dolan	Self	NY	US	Personal Injury
65.	Francisco Dominguez	Self	NY	US	Personal Injury
66.	Nick Dousmanis and Denise Dousmanis	Self/Spouse	NY	US	Personal Injury, Loss of Consortium
67.	Thomas Dowdle	Self	NY	US	Personal Injury

68.	Robert Doyle and Joan M Doyle	Self/Spouse	NY	US	Personal Injury, Loss of Consortium
69.	Stanislaw Drozd and Monika Drozd	Self/Spouse	NY	US	Personal Injury, Loss of Consortium
70.	Oran Eberhart and Jill A Eberhart	Self/Spouse	PA	US	Personal Injury, Loss of Consortium
71.	Jorge Encalada and Maricel Encalada	Self/Spouse	NY	US	Personal Injury, Loss of Consortium
72.	Nancy Espinosa-Cardenas	Self	NY	US	Personal Injury
73.	Aniello Esposito and MaryAnn Esposito	Self/Spouse	NY	US	Personal Injury, Loss of Consortium
74.	Gerard Evans and Agustina Evans	Self/Spouse	NY	US	Personal Injury, Loss of Consortium
75.	Louis Failla	Self	NY	US	Personal Injury
76.	Christopher Favale and Jennifer Favale	Self/Spouse	SC	US	Personal Injury, Loss of Consortium
77.	Gladys Feliciano	Self	NY	US	Personal Injury
78.	Anthony Fischetti	Self	AR	US	Personal Injury
79.	Perry Forgione and Denise Forgione	Self/Spouse	CT	US	Personal Injury, Loss of Consortium
80.	Dzile Frangu	Self	NY	US	Personal Injury
81.	Manuel Freytes and Nancy Freytes	Self/Spouse	PA	US	Personal Injury, Loss of Consortium
82.	Wilson Gallegos	Self	NY	US	Personal Injury
83.	Andres O Garcia	Self	FL	US	Personal Injury
84.	Robert Garcia	Self	NY	US	Personal Injury
85.	Roy Garcia	Self	PR	US	Personal Injury
86.	Pavlos Gatzonis	Self	NY	US	Personal Injury
87.	William Gavin and Margariet Gavin	Self/Spouse	NY	US	Personal Injury, Loss of Consortium
88.	Richard Gazzola and Maryann C Gazzola	Self/Spouse	PA	US	Personal Injury, Loss of Consortium
89.	Edir Giraldo	Self	NY	US	Personal Injury
90.	Hitier E Giraldo	Self	RI	US	Personal Injury
91.	Abel Gomes and Maria Gomes	Self/Spouse	NY	US	Personal Injury, Loss of Consortium
92.	Michael J Gona and Lisa Gona	Self/Spouse	NY	US	Personal Injury, Loss of Consortium
93.	Robert Guendel	Self	NY	US	Personal Injury
94.	Samuel Guiracocha	Self	NY	US	Personal Injury
95.	Carlos Guzman and Gloria Guzman	Self/Spouse	NY	US	Personal Injury, Loss of Consortium
96.	Henry Hachemeister	Self	NY	US	Personal Injury
97.	Michael Harrigan	Self	NY	US	Personal Injury
98.	Sean Hart and Madeline A Hart	Self/Spouse	NY	US	Personal Injury, Loss of Consortium
99.	Enrique Hermida	Self	NY	US	Personal Injury
100.	Jorge Hernandez	Self	NY	US	Personal Injury
101.	Joseph Heron and Geraldine Heron	Self/Spouse	NY	US	Personal Injury, Loss of Consortium